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June 10, 2022

BY ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Anton Liverpool v. City of New York, et al.,
20-CV-4629 (ALC) (OTW)

Your Honor:

I am the attorney in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. Defendants write in response to the Court's June 9, 2022 order, and to respectfully request: (1) all of the defendants be permitted to file one (1) motion to dismiss on August 8, 2022; and (2) that the Court relieve the parties of their obligation to file a jointly proposed briefing schedule by June 30, 2022. See Civil Docket Sheet, Entry No. 79.

By way of background, On May 9, 2022, *in lieu* of filing an Answer, defendants Charlton Lemon, Ronald Wilson, Kisa Smalls, and Wendy White submitted a request for a pre-motion conference to Judge Carter in order to discuss their anticipated motion to dismiss the Second Amended Complaint ("SAC") pursuant to Rule 12(b)(6) of the FRCP. See id. at Entry No. 77. On May 25, 2022, Your Honor ordered the parties to submit a jointly proposed briefing schedule for defendants' anticipated motion by June 30, 2022. See id. at Entry No. 79. On June 6, 2022, defendants City of New York, Darrien Lewis, Jacob Rivers, and John Hernandez informed the Court they were joining in the May 9, 2022 pre-motion conference letter filed by defendants Lemon, Wilson, Smalls, and White. See id. at Entry No. 82.

On June 9, 2022, Your Honor endorsed defendants' June 6, 2022 letter, and ordered defendants Lemon, Surpris, Smalls, City, White, and Wilson to Answer or otherwise move to dismiss the SAC by August 8, 2022. See Civil Docket Sheet, Entry No. 83. However, this order was silent as to the deadline for defendants Lewis, Rivers, and Hernandez to move to dismiss the SAC. Id.

Notwithstanding, all of the defendants intend on moving to dismiss the SAC pursuant to Rule 12(b)(6). See *id.* at Entry Nos. As such, all defendants respectfully request that they be permitted to file a singular motion to dismiss by August 8, 2022. Furthermore, and in light of this request, defendants' respectfully request the Court relieve the parties of their obligation to file a jointly proposed briefing schedule by June 30, 2022, and defendants' motion to dismiss proceed in accordance with the schedule set forth herein.¹

Defendants thank the Court for its consideration herein.

Respectfully submitted,

Mostafa Khairy /s/

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cc: **BY U.S. MAIL**

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¹ If the Court is amendable, defendants respectfully propose the following briefing schedule deadlines: plaintiff's opposition, if any, due by September 8, 2022; and defendants' reply, if any, due by September 22, 2022.